

/Robert A. Swift
lead Counsel
Kohn Swift & Graf, P.C.
2400 One Reading Center
1101 Market street
Philadelphia, Pa 19107
Telephone No.: (215) 238-1700
Email: Rswift@Kohnswift.com

Sherry P. Broder #1880
Liaison Counsel
Davies Pacific Center
Honolulu, Hawaii 96813
Email: broder@hawaii.rr.com

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

IN RE)	MDL NO. 840
)	NO. 86-390
ESTATE OF FERDINAND E. MARCOS)	NO. 86-330
HUMAN RIGHTS LITIGATION)	
)	
)	
)	
THIS DOCUMENT RELATES TO:)	AFFIDAVIT OF
)	RICHARD TURBIN
Hilao, et al. V. Estate of)	
Ferdinand E. Marcos,)	
and)	
DeVara, et al. v. Estate of)	
Ferdinand E. Marcos,)	
)	
)	

AFFIDAVIT OF RICHARD TURBIN

Richard Turbin, being first duly sworn under oath, deposes and says that:

1. I am counsel to the law firm of Richard Turbin, graduated from Harvard law school in 1971 and am the President Elect of the Hawaii State Bar Association (see resume attached).

2. I have been asked by the law firm of Kohn, Swift& Graf, P.C., Sherry P. Broder and Jon Van Dyke (collectively "Class Counsel") to provide an affidavit in support of the Joint Application of Class Counsel for an Interim Award of Attorneys' Fees and Reimbursement of Expenses.

3. Class Counsel have received a judgment of almost \$2 Billion which , with interest now exceeds \$3.7 Billion. Class Counsel have sought to preserve Marcos assets and have instituted numerous actions to collect on the judgment for over a decade. In the past 4 ½ years Class Counsel located and successfully litigated the Class' entitlement to about \$40,000,000 which had been in an account at Merrill Lynch.

4. Based on the information and materials provided to me, and other knowledge that I have gained of this case during the last 18 1/2 years, it is my considered opinion that the request by Class Counsel for an interim fee award of one third of the amount collected, together with reimbursement of out-of-pocket costs and expenses, is fair, reasonable and appropriate under the facts and circumstances of this case.

5. An award of one-third in attorneys' fees is well within the range of reasonable awards in class actions resulting in the creation of a "common fund" for benefits of class members, as that range is defined by the decisional law of the United States Court of Appeals for the Ninth Circuit and other applicable federal case law decisions.

6. In my opinion the hourly rates specified by the individual attorneys and firms comprising Class Counsel are fair and appropriate as measured by the standards applicable to such hourly rates in the District of Hawaii, the Ninth Circuit and throughout the United States.

7. There are two other factors that are particularly relevant to the determination of the appropriate percentage of the fund award in these matters: the experience,

reputation and ability of the lawyers, and the difficulty and risk of the case. In my opinion, both these factors overwhelmingly support fee award that ranges well up from the 25% median figure and fully justify the request of a one-third fee in this class action. This litigation has pioneered a whole new approach to human rights litigation. Courts and academicians judge it a landmark case on a variety of points:

- The first class action human rights case in history
- The first fully litigated human rights case in US history
- The first appellate acceptance of a benchmark award for tort claimants
- The largest personal injury Judgment in US history
- The first human rights Judgment against a former head-of-state
- The first collection of a human rights Judgment from a perpetrator in history

Beyond these triumphs, Class Counsel showed that a large mass tort case could be efficiently and successfully litigated before a jury.

8 The undesirability of the case further supports the requested fee awarded of 1/3rd of the amount recovered to date. While class actions are frequently initiated through the filing of multiple independent complaints drafted by a number of law firms that are ultimately consolidated, no other law firm either in the District of Hawaii, or nationally, filed a separate class action there. Class Counsel have pursued this case for over 18 years without being paid. Thus, it is clear that the Class Counsel were the only counsel willing to step forward and successfully pursue litigation culminating in the creation of a substantial award for the benefit of the class. Moreover the case has required an unwavering commitment of resources. For instance, Mr Swift traveled to the Philippines almost 30 times. Almost 300 depositions were

taken. The trial in the principal case was trifurcated. There have been over 20 appeals to the Ninth Circuit, satellite litigation in Hawaii (State), California (State and Federal), New York (Federal), Illinois (Federal), Philippine, Singapore and Swiss courts. In this Arelma interpleader action, there have been eight interlocutory appeals or mandamus to the Ninth Circuit and three appeals challenging the judgment.

9 Mr. Swift has served as counsel in many different class action cases. Mr. Swift's biography and declaration are attached to the Fee Petition. In my opinion, Mr. Swift, who has 31 years litigation experience, has developed a substantial level of abilities and expertise in the prosecution of class actions nationally, and this expertise fully supports his hourly rate of \$480, as well as the overall request ad interim fee award of one-third of the Settlement Fund, along with the other attorneys.

10 Within the legal community of the District of Hawaii, Mr. Swift's hourly rate of \$480 is well within the range of appropriate rates for lead counsel who possess specialized expertise, such as that of Mr. Swift, in the matter involving the level of complexity at this issue here. Mr. Swift's firm is also nationally recognized as a leading law firm in class action litigation.

11 In my opinion, Mr. Swift's rate and that of the other attorneys at the Kohn, Swift & Graf firm is fully supported not only by Mr. Swift's level of expertise and ability and by the complexity of the factual and legal issue here, as discussed earlier, but also by the orderly and efficient manner in which Class Counsel conducted its work pursuing the claims of the Class Members.

12 Ms. Broder and Professor Van Dyke have served as counsel in other different class action cases. Their curriculum vitae and affidavits are attached to the Fee

Petition. I am familiar with the type and quality of work performed by Ms. Broder and Professor Van Dyke. Their reputations in the community are outstanding and superlative. In my opinion and the opinion of the Hawaii legal community, Ms. Broder has developed a substantial level of ability and expertise in the prosecution of class actions and in the handling of very complex difficult civil litigation. Her expertise easily supports her hourly rate of \$375 and could readily support a higher rate. She has been admitted to practice law since 1976. In my opinion, Professor John Van Dyke has developed a substantial level of ability in international, particularly international human rights, and constitutional issues, appellate work, and unusual and challenging legal issues. His expertise also easily supports his hourly rate of \$375 and could readily support a higher hourly rate. He has been admitted to practice law since 1967.

Further your affiant sayeth naught.



Richard Turbin

Subscribe and sworn before me
this 12 day of January, 2005

Mellor K. W. Ut L S
Notary Public, State of Hawaii
My commission expires: April 21, 2006

RICHARD TURBIN CURRICULUM VITAE

Suite 2730, Mauka Tower
Pacific Guardian Center, 737 Bishop Street
Honolulu, Hawaii 96813
Phone: 808-528-4000
or 1-800-528-4002
Facsimile: 808-599-1984
Email: RichTurbin@aol.com

PERSONAL: Born: December 25, 1944; Married: Rai Saint Chu, June 12, 1976; Laurel Mei and Derek Andrew

EDUCATION: Cornell University: B.S. Magna Cum Laude, 1966; Harvard University: J.D., 1969

LEGAL POSITIONS:

1975 - Present: Senior Attorney and President , Law Offices of Richard Turbin, A Law Corporation, Honolulu, Hawaii

The practice involves a plaintiff's personal injury and professional malpractice law practice.

1974 - 1975: Chief Attorney, Legal Aid Society of Hawaii, Windward, Oahu

1969 - 1970: Assistant Attorney General, Office of the Public Defender, Honolulu, Hawaii

1969: Law Intern, Office of Economic Opportunity, New York City, New York

AMERICAN BAR ASSOCIATION ELECTED POSITIONS AND OTHER PROFESSIONAL HONORS:

President, Hawaii State Bar Ass'n 2005
Chair of Tort and Insurance Practice Section 1999-2000

Chair-Elect of Tort and Insurance Practice Section 1998-1999

Vice-Chair of Tort and Insurance Practice Section 1997-1999

Elected Fellow, Hawaii Academy of Plaintiff's Attorneys

President, Consumer Lawyers of Hawaii 2002-2003

Civil Rights Commissioner for Hawaii 2002-2005

Richard Turbin
Curriculum Vitae
Page 2

Founder and Vice President, Association of Plaintiff's Lawyers of Hawaii

Editor, Harvard Civil Rights and Civil Liberties Law Review, 1968-69

East-West Center, Grants Awarded, 1969 and 1970

Certificate of Congratulations for ABA work, Hawaii State House of Representatives, November 1999

ABA-INTERNATIONAL ACTIVITIES

Program Chair -

Chinese-American Law Seminar, November 1999 in Guangzhou, China
Description: The Chinese-American Law Seminar was an extremely successful program sponsored by TIPS and co-sponsored by the Supreme Court of the State of Hawaii, the Hawaii State Bar Association, the Supreme Court of Guangdong Province, China, the Guangdong Justice Bureau, and the Guangdong Lawyers Association. The Asia Law Initiative of the ABA sanctioned and approved of this program. Over 50 TIPS lawyers participated and as TIPS Chair I was responsible for all protocol matters and hosted a farewell banquet for our hosts at the White Swan Hotel in Guangzhou. The program consisted of two days of seminars presented by leading Chinese jurists and lawyers and site visits to the Supreme Court of Guangdong Province where we attended a civil trial which was translated into English. On the third day we presented a mock civil jury trial concerning a products liability case and seminars on the American tort system. TIPS and the Guangdong Lawyers Association are planning to jointly publish a text book on Chinese law and doing business in China and are seeking to establish a lawyers exchange program.

Following the Guangzhou program a smaller delegation visited Haikou and Sanya, the major cities of the Island of Province of Hainan where we were guests of the Supreme Court of Hainan, its Justice Bureau and Lawyers Association and the Mayors of those cities. We were invited back to Hainan in 2002 to sponsor a Fourth Chinese-American Law Seminar. (The first two having been held in Honolulu.) The delegation then visited Beijing Supreme Court and the Beijing Lawyers Association and we were asked to sponsor a Chinese-American Law Seminar in Beijing immediately after the Hainan Conference scheduled for 2002.

Richard Turbin
Curriculum Vitae
Page 3

At the recent ABA-Midyear Meeting in Dallas, Texas, I appointed a Sub-Committee from TIPS International Committee to begin organizing the Fourth Chinese-American Law Seminar scheduled for 2002. I am certain that program will be even more successful than the 1999 program.

Program Chair, TIPS - Russian Law Program, 1995

In June 1995 I was appointed TIPS Program Chair for a program in St. Petersburg and Moscow, Russia where a visiting delegation of ten TIPS leaders met with leading jurists, lawyers, and politicians in Moscow and St. Petersburg for a conference on the new developments in Russian tort and insurance law. Thereafter we assisted our Russian colleagues with redrafting of their environmental and insurance law.

Consultant on Insurance Law to Rule of Law Conference in Ukraine -

In December, 1995 I was honored to be selected by the Ukraine Rule of Law Conference to be a Consultant to a committee drafting a new insurance law for Ukraine. For a week I worked with legislators, academics and CEELI lawyers in Kiev, on their new insurance law.

Chair, TIPS International Committee -- 1993-1995

For two years I chaired the Intentional Committee for TIPS and reactivated that Committee and Organized the Russian program as well as planned major programs at the ABA Annual Meetings on comparative insurance and tort law and transnational environmental disasters.

Program Chair - "The Marcos Human Rights Trials"

I chaired and moderated a major program during the Annual Meeting in Honolulu on the Marcos Human Rights Trials. Those cases have served as a precedent for the present Yugoslavian cases.

Program Chair - "I Hear You Knocking, But You Can't Come In: Cracking the Japanese Legal System." 1992 ABA Annual Meeting held in San Francisco. This was a Presidential Showcase Program.

Moderator/Speaker, "Trans Pacific/Trans-Atlantic Lawyering: Practical Considerations for the Lawyer, Insurer and Business Going Abroad" - TIPS Seminar, International Committee, 1992 ABA Annual Meeting - San Francisco

Richard Turbin
Curriculum Vitae
Page 4

Moderator/Speaker, "Litigating the International Environmental Tort", TIPS Seminar, 1991 - ABA Annual Meeting - Atlanta

Moderator/Speaker/Program Chair, "The Global Tort After 1992: The Final Frontier?", TIPS Seminar, 1990 ABA Annual Meeting - Chicago.

TIPS LIAISON TO CEELI, 1993, 1994, 1996 AND 1997

PUBLISHED PAPERS FOR THE ABA AND OTHER PUBLISHERS ON INTERNATIONAL LEGAL ISSUES

1. "Forum Non Conveniens -- Litigating the International, Environmental Tort", Richard Turbin cc 1991, 1991 ABA Annual Convention - Atlanta
2. "Forum Non Conveniens -- "Dismissal of Tort Liability Among Foreign Parties in a United States Court", Richard Turbin cc 1990, 1990 ABA Annual Convention - Chicago
3. "The International Journal of Insurance Law", Spring, 1994 issue on "The Insurance Law of Ukraine".

CONTINUING ACTIVITY OF TIPS INTERNATIONAL COMMITTEE -

I am happy to say that as Chair of TIPS I have worked hard to support and inspire our very active and creative TIPS International Committee. I have brought leadership in from YLD, including its immediate past Chair, LaRonda Barnes, and we are presently planning a major Rule of Law Conference in Johannesburg, Pretoria and Cape Town South Africa for May of 2000. TIPS is also probably going to be invited by the government of Japan to revise their auto insurance code in 2000.

ABA - TIPS POSITIONS AND ACTIVITIES OTHER THAN INTERNATIONAL:

Member of Long Range Planning Committee

Speaker, TIPS Seminar, Automobile Law Committee 1992, ABA annual Convention - San Francisco; "Anatomy of a Motor Vehicle Collision Case" How to Prepare and Deliver an Opening Statement; paper to be published in upcoming edition of "The Practical Lawyer"

Moderator/Speaker/Organizer, Presidential Showcase Program at 1993 convention - "The Tort of Failure to Diagnose Breast and Other Female Cancers" (interviewed by Wall Street Journal;

Richard Turbin
Curriculum Vitae
Page 5

Washington Post and many other periodicals about this program)

Moderator/Speaker/Organizer, "Join TIPS for Vodka and Caviar in the Morning"

PUBLISHED PAPERS, ABA PUBLICATIONS:

1. "How To Prepare And Deliver An Opening Statement", Richard Turbin 1992, 1992 ABA Annual Convention - San Francisco, to be published in "The Practical Lawyer"
2. "Forum Non Conveniens -- Litigating The International, Environmental Tort", Richard Turbin 1991, 1991 ABA Convention - Atlanta
3. "Forum Non Conveniens -- Dismissal of Tort Liability Among Foreign Parties in a United States' Court", Richard Turbin 1990, 1990 ABA Annual Convention - Chicago
4. "Humility, Confidence, and the Opening Statement", Richard Turbin May 1993, "The Practical Litigator" published by the American Law Institute - American Bar Association Committee on Continuing Professional Education.

HAWAII STATE BAR ASSOCIATION - POSITIONS AND ACTIVITIES:

Chair, Professional Liability Insurance Committee, 1991-1992
Chair, Mandatory Legal Malpractice Insurance Committee, 1991-1992
Chair, Juvenile Law Committee, 1972-1974

ELECTED POSITIONS:

Chair, Neighborhood Board No. 3 Waialae/Kahala, City and County of Honolulu, Hawaii 1990-1999

Member, Neighborhood Board No. 3 Waialae/Kahala, City and County of Honolulu, Hawaii; 1987-2000

PUBLISHED BOOKS AND PAPERS - NON ABA:

1. "Medical Malpractice With Regard to Ear, Nose and Throat Cases in Hospital Emergency Rooms", Medical Malpractice -- Handling Emergency Room Cases and Chapter 31 - "ENT Patients in the Emergency Department", by Richard Turbin and

Richard Turbin
Curriculum Vitae
Page 6

Ginger Chong, Shepards/McGraw-Hill, 1991

2. "Evidence in Trial Practice in Hawaii", by Richard Turbin and Richard Sutton, National Business Institute, Inc., 1990
3. "The Discovery Law of Hawaii", by Richard Turbin and Dale L. Bennett, National Business Institute, Inc., 1992
4. "Hawaii's Law of Evidence", by Richard Turbin, Hawaii State Bar Association, 1990
5. "Chiropractic Services Under No-Fault Insurance Law In Hawaii", by Richard Turbin, 1990
6. "The Legality of Anti-War Referendums, Case Note", by Richard Turbin, Harvard Civil Rights, Civil Liberties Law Review, Volume 2, 1969
7. Beiser v. Kaiser Permanente Medical Group, Haw., American Arbitration Association No. 78-462-0025-92, Oct. 20, 1992, ATLA "Law Reporter" Vol. 8, Number 5, June 1993.
8. Bad Faith Litigation in Hawaii, by Richard Turbin and Charles Crumpton, National Business Institute, 1996

LECTURES AND FACULTY PRESENTATIONS - NON ABA:

1. Hawaii Discovery Law, December 16, 1992, Honolulu, Hawaii, Sponsored by The National Business Institute
2. "Trial Practice", Moderator and Speaker, November 1990, Honolulu Hawaii, Hawaii Institute of Continuing Legal Education Seminar, Hawaii State Bar Association Annual Convention, 1990
3. Evidence in Trial Practice in Hawaii, November, 1990, Honolulu, Hawaii, Sponsored by The National Business Institute
4. Chiropractic Services Under No-Fault Insurance Law in Hawaii, November, 1989, Waikoloa, Hawaii, Hawaii Chiropractor's Association Annual Convention

Richard Turbin
Curriculum Vitae
Page 7

5. Hawaii's No-Fault Law, May, 1990, Honolulu, Hawaii Continuing Legal Educational Program for Hawaii's Chiropractors
6. Bad Faith Litigation in Hawaii, Honolulu, Hawaii, May 1996, sponsored by National Business Institute

COMMUNITY AWARDS:

Girls Scouts of America, Hawaii Chapter, "Business Supporter of the Year" - 1991

Hawaii Harlequin Rugby Football Club, "Old Boy of the Year" - 1991-1992

Hawaii Harlequin Rugby Football Club, "Sportsmen of the Year" - 1980

COMMUNITY BOARDS AND ACTIVITIES:

Board of Trustees, Temple Emmanuel, 1990-1992

Chair and Founder, Fair Property Tax Committee of Hawaii, 1988-1992

President's Council, Punahou School, Honolulu, Hawaii, 1986-1992

Co-Chair, Secondary School Committee, Cornell Club of Hawaii, 1990-1991

Trustee/Secretary, Hawaii Harlequin Rugby Football Club, 1978-1990

Board of Directors/Century Club, American Civil Liberties Union of Hawaii, 1974-Present

Legal Counsel, Chinese Jaycees of Hawaii, 1980-1981

Legal Counsel, Hawaii Jaycees, 1981-1982

Board of Governors, Mothers Against Drunk Driving of Hawaii - 1996-2000

Board of Governors/Founder - Appleseed Foundation of Hawaii - 1997-2000

Board of Governors - Hawaii Clean Elections - 1998-2000

Richard Turbin
Curriculum Vitae
Page 8

BROADCASTER: Host "Putting Law in Order with Richard Turbin, KGU Radio, Honolulu, Hawaii 1989-1991

Appearances on many local t.v. programs

LANGUAGES: French, Samoan

SOCIAL MEMBERSHIPS:

Outrigger Canoe Club - Honolulu, Hawaii; The Pacific Club - Honolulu, Hawaii

Bishop Street Exchange Club - Honolulu, Hawaii; Beretania Tennis Club - Honolulu, Hawaii;
Maunalua Bay Tennis Club - Honolulu, Hawaii

Pacific Club - Honolulu, Hawaii

OfficeJet R Series
Professional Printer/Fax/Copier/Scanner

Last Fax

Date	Time	Identification	Duration	Pages	Type	Result
09-09-02	09:45A	16174959684	03:14	10	Sent	OK

Petition. I am familiar with the type and quality of work performed by Ms. Broder and Professor Van Dyke. Their reputations in the community are outstanding and superlative. In my opinion and the opinion of the Hawaii legal community, Ms. Broder has developed a substantial level of ability and expertise in the prosecution of class actions and in the handling of very complex difficult civil litigation. Her expertise easily supports her hourly rate of \$375 and could readily support a higher rate. She has been admitted to practice law since 1976. In my opinion, Professor John Van Dyke has developed a substantial level of ability in international, particularly international human rights, and constitutional issues, appellate work, and unusual and challenging legal issues. His expertise also easily supports his hourly rate of \$375 and could readily support a higher hourly rate. He has been admitted to practice law since 1967.

Further your affiant sayeth naught.



Richard Turbin

Subscribe and sworn before me
this 29th day of December, 2004



Sandra N. Iwane
Notary Public, State of Hawaii Sandra N. Iwane
My commission expires: 7-1-05

L.S.

KOHN, SWIFT & GRAF, P.C.

One South Broad Street
Suite 2100
Philadelphia, PA 19107

Telephone: 215-238-1700
Fax: 215-238-1968

FROM: Bob Swift
PHONE: 215-238-1700

DATE: 12/30/04
CLIENT/FILE NO:
NAME OF CASE:

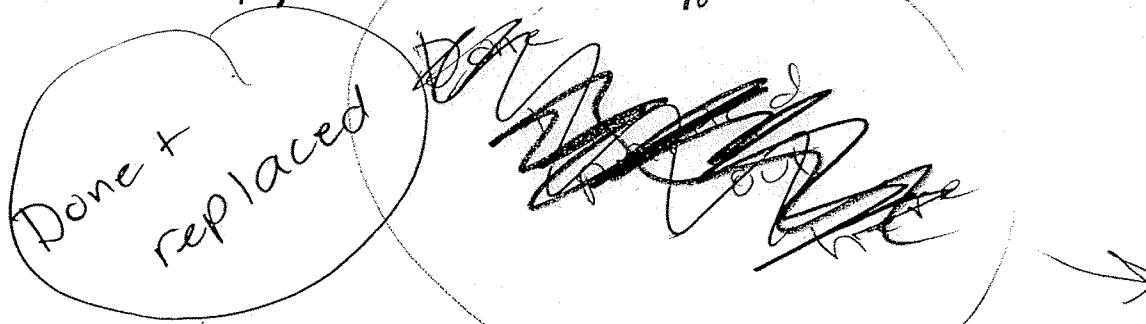
PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT	COMPANY	FAX No.	PHONE NO.
Sherry Burden		808-531-8411	

Total number of pages including this page: _____
If you do not receive all the pages, please call (215) 238-1700.

This will be the only form of delivery of the transmitted document(s).

Sherry : Can you get Rich Turbin's authority to
substitute revised pages 3 & 4 to his affidavit. Bob



CONFIDENTIALITY NOTICE

THE PAGES COMPRISING THIS FACSIMILE TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION. THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL OR ENTITY NAMED AS THE RECIPIENT HEREOF. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE NOTE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO WE MAY ARRANGE TO RETRIEVE THIS FACSIMILE TRANSMISSION AT NO COST TO YOU.